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09/901,368	07/09/2001	Nithyalakshmi Sampathkumar	MS180587.1	6483

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EXAMINER
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HILLERY, NATHAN

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/901,368

Applicant(s)

SAMPATHKUMAR ET AL.

Examiner

Nathan Hillery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 20-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment filed on 5/24/05.
2. Claims 1 – 37 are pending in the case. Claims 20 – 37 have been withdrawn.  
Claims 1 and 19 are independent.
3. The rejection of claim 1 - 19 under 35 U.S.C. 103(a) as being unpatentable has been maintained.

### ***Election/Restrictions***

4. This application contains claims 20 – 37 drawn to an invention nonelected with traverse in Paper No. 11/23/04. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
5. Applicant's election of claims 1 – 19 in the reply filed on 11/23/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Double Patenting***

6. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

7. Claims 20 – 37 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 – 18 of copending Application No. 11005802. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over ADO.NET (English translation) and further in view of Omoigui (US 20030126136 A1).

10. **Regarding independent claim 1, ADO.NET discloses a transformer adapted to transform one or more input XML items in a first format to one or more transformed XML items in one or more second formats** (p 4). ADO.NET does not explicitly disclose **an output...** However, Omoigui teaches that *the Results Browser is responsible for displaying the results of queries, and the information on any local resources opened. The Results Browser preferably obtains one or more XML files from the Query Manager and merges these into a single XML file that represents a list of objects. The list itself may be filtered or sorted as an initial step. The list as a structure is transformed by a special class of Skin (an XSLT transform sheet, possibly including some script) that handles lists. The list-Skin creates the primary DHTML (or the like)*

*structure, e.g., a list, a table or perhaps a timed sequence. Object Skins manage the individual DHTML items that present the information for each object instance. List-Skins may handle the dispatch of individual object Skins (mapping object class to Skin), but the Results Brower preferably provides default mappings of class to Skin for simplicity* (Column 40, paragraph 0759), which provide **an output manager adapted to facilitate selectively pulling and/or pushing a subset of the transformed XML items**. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of ADO.NET with the invention of Omoigui because such a combination would provide the readers of ADO.NET with *an integrated and seamless implementation framework and resulting medium for knowledge retrieval, management, delivery and presentation* (Column 5, paragraph 0071).

11. **Regarding dependent claim 2**, ADO.NET does not explicitly disclose **action frame stack**. However, Omoigui teaches that *the preferred embodiment of the Information Nervous System provides support for all aspects of security: authentication, authorization, auditing, data privacy, data integrity, availability, and non-repudiation. This is accomplished by employing standards such as WS-Security, which provides a platform for security with XML Web Service applications. Security is preferably handled at the protocol layer via security standards in the XML Web Service protocol stack. This includes encrypting method calls from clients (semantic browsers) to servers (Agencies), support for digital signatures, authenticating the calling user before granting access to an Agency's Semantic Network and XML Web Service methods, etc.* (paragraph 0367), which provide that **the transformer comprises an action frame**

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**stack adapted to hold one or more actions, an event state machine adapted to track state associated with transforming the one or more XML items and an event processor adapted to receive events generated in processing the one or more actions stored in the action frame stack.**

12. **Regarding dependent claim 3**, ADO.NET does not explicitly disclose **compiler**.

However, Omoigui teaches that *the Presenter includes an SQML interpreter. When the Presenter opens an SQML file, it preferably interprets it by first parsing it, validating it, creating a master entry table, and then executing the entries in the entry table.*

*Effectively, it "compiles" the SQML file before "executing" it, not unlike how a language compiler compiles source code into an object module before it is then linked with other modules and executed. In the case of the SQML interpreter, this process optionally involves loading other SQML files via references. This process is preferably not cyclical. The client uses the XSLT templates in the "<skin>" tags (if available and if not overridden by default or Agent Skins) to display the information for each declared object type. Any returned objects that do not have a declared Skin are displayed with the default Skin of the object type or, in the case of a single Agent entry, that of the Agent (if one is specified) (paragraph 0971), which provide that a **compiler adapted to compile one or more style sheets and produce one or more actions that can be employed by the transformer in processing associated with transforming the one or more input XML items.** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of ADO.NET with the invention of Omoigui because such a combination would provide the readers of ADO.NET with an*

*integrated and seamless implementation framework and resulting medium for knowledge retrieval, management, delivery and presentation* (Column 5, paragraph 0071).

13. **Regarding dependent claim 4**, ADO.NET does not explicitly disclose **compiler**. However, Omoigui teaches that *in addition, SQML includes tags that enable semantic filtering (via custom links and predicates) which indicate how data is to be queried and filtered from the resources, and arguments that indicate how the resources are to be queried and how the results are to be filtered. In particular, the arguments can include references to local or remote context. The context arguments are then resolved by the client-side SQP at run-time to XML metadata* (paragraph 0274), which provide that **the compiler is further adapted to resolve one or more external references in the one or more style sheets**. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of ADO.NET with the invention of Omoigui because such a combination would provide the readers of ADO.NET with *an integrated and seamless implementation framework and resulting medium for knowledge retrieval, management, delivery and presentation* (Column 5, paragraph 0071).

14. **Regarding dependent claim 5**, ADO.NET disclose **the input XML items are input from one or more data stores** (p 5 – upper right hand corner).

15. **Regarding dependent claims 6 – 11**, ADO.NET disclose **an input abstracter adapted to expose data stored in the one or more data stores in a common representation, the input abstractor is further adapted to abstract a reference to a**

node within an Xpath document, the input abstractor is further adapted to expose the data stored in the one or more data stores as a data model and info set, the input abstractor is further adapted to provide a cursor model over data stored in a data store to facilitate presenting a stream of nodes to the transformer, the input abstractor is further adapted to provide a virtual node that can be employed to traverse the stream of nodes, and the input abstractor is an XpathNavigator (p 19).

16. Regarding dependent claims 12 – 14, ADO.NET disclose a node selection abstractor adapted to dynamically construct a subset of input XML items from a set of input XML items, where the subset of input XML items are responsive to a query, the node selection abstractor is further adapted to facilitate navigating the subset of input XML items, and the node selection abstractor is an XpathNodeIterator (pp 18 – 19).

17. Regarding dependent claims 15 – 18, ADO.NET disclose an optimized data store adapted to store one or more XML items in a manner that facilitates minimizing processing associated with constructing the subset of input XML items via a query, the optimized data store stores data in a data representation format that facilitates optimizing an Xpath query, the data representation format comprises expanded XML entities, deleted XML declarations and DOM model data converted to Xpath model data, and the optimized data store is an XpathDocument (pp 18 – 19).

18. Regarding independent claim 19, the claim incorporates substantially similar subject matter as claims 1, 3 – 6, and 12, and is rejected along the same rationale.



***Response to Arguments***

19. Applicant's arguments filed 5/24/05 have been fully considered but they are not persuasive.

20. In response to Applicant's argument(s) that neither ADO.NET nor Omoigui teach any and all recitations of the claimed invention either individually or taken together, it should be noted that the explanation(s) given in the rejection under 35 USC 103(a) above are clear. Specifically, as stated above, Omoigui teaches that *the Results Browser is responsible for displaying the results of queries, and the information on any local resources opened. The Results Browser preferably obtains one or more XML files from the Query Manager and merges these into a single XML file that represents a list of objects. The list itself may be filtered or sorted as an initial step.* In combination with ADO.NET, Omoigui's XML files, interpreted as XML items, are merged into a single XML file, which represents a list; the list can be a filtered or sorted list, which is a subset that selectively pushes and/or pulls certain XML files, interpreted as XML items based on the result of queries. Contrary to applicant's assertion(s), Omoigui does not teach that the Results Browser displays any and all XML documents that it receives, but the Results Browser display a XML file that comprises a list of objects, those XML files or items that were the result of a query or queries. Furthermore, it was obvious under the original rejection of the claims under 35 USC 103(a) and has been made even clearer by translation that ADO.NET explicitly teaches via diagram on page 4 that XML items in one format – XML, XSL, XSL/T, X-Path inquiries, etc., are transformed into one or more Xml items in one or more second formats – XMLDataDocument.

***Conclusion***

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NH

*William J. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*7/29/2006*